

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NUVASIVE, INC.,
Appellant,

v.

WARSAW ORTHOPEDIC, INC.,
Cross-Appellant.

Nos. 2015-1049, -1050

Appeals from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2013-00206

WARSAW ORTHOPEDIC, INC.,
Appellant,

v.

NUVASIVE, INC.,
Appellee.

No. 2015-1058

Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2013-00208

NUVASIVE'S UNOPPOSED MOTION TO DISMISS NO. 2015-1049 AND WITHDRAW FROM NOS. 2015-1050 AND -1058

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June 30, 2016

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Counsel for Appellant NuVasive, Inc.

NuVasive respectfully moves pursuant to Federal Circuit Rule 42(b) to dismiss No. 2015-1049, which is an appeal initiated by NuVasive. NuVasive also respectfully moves pursuant to Federal Circuit Rule 27 to withdraw as a party from Nos. 2015-1050 and -1058, which are appeals initiated by Warsaw. The parties have agreed to bear their own costs.

The requested dismissal and withdrawals are appropriate. Pursuant to a settlement between the parties, NuVasive has agreed to dismiss or refrain from participating in challenges against the patent at issue. NuVasive thus respectfully requests that the Court dismiss NuVasive's appeal and allow NuVasive to withdraw as a party from Warsaw's appeals.

NuVasive has conferred with counsel for Warsaw. Warsaw does not oppose this motion.

Date: June 30, 2016

Respectfully submitted,

/s/ Michael T. Rosato
Michael T. Rosato
Counsel for Appellant and Appellee
NuVasive, Inc.

CERTIFICATE OF INTEREST

Counsel for NuVasive, Inc. certifies the following:

1. The full name of every party represented by me is: NuVasive, Inc.
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: None.
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are: None.
4. The names of all law firms and the partners and associates that have appeared for the party in the lower trial court or agency or are expected to appear for the party in this Court are:

Wilson Sonsini Goodrich & Rosati: Michael T. Rosato, Paul D. Tripodi, II, and Richard Torczon

Fish & Richardson: Frank E. Scherkenbach, Stephen R. Schaefer, Michael Hawkins, Stuart Nelson, Michael J. Kane, Craig E. Countryman

June 30, 2016

/s/ Michael T. Rosato
Michael T. Rosato
Counsel for Appellant and Appellee
NuVasive, Inc.

CERTIFICATE OF SERVICE

I certify that counsel for the parties have been served with a true and correct copy of the foregoing document via the Court's CM/ECF system on June 30, 2016.

/s/ Michael T. Rosato

Michael T. Rosato

Counsel for Appellant and Appellee

NuVasive, Inc.